



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No.: 03-465-D (400/151))

**In the Application of:**

**McSwiggen, et al**

**Serial No.: 10/826,966**

**Filed: April 16, 2004**

**For: RNA Interference Mediated Inhibition of  
Gene Expression Using Chemically  
Modified Short Interfering Nucleic Acid  
(siNA)**

**Art Group: 1635**

**Examiner: Not assigned**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

1. The Compact Disc contained herein ("400 151 (MBHB03-465-D)Sequence Listing") submitted under 37 C.F.R. §1.52(e):

- ☒ Is formatted for IBM-PC Machines
- ☒ Is compatible with MS-Windows Operating System
- ☒ Contains the file "400 151 (MBHB03-465-D)Sequence Listing" which is 357,782 bytes in size and was created on 09.15.04.

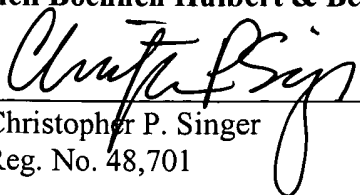
2. Statement under 37 C.F.R. § 1.821(f): The undersigned certifies that the original CD-R submitted herein, titled "400 151 (MBHB03-465-D)Sequence Listing" (COPY 2) and the copy CD-R entitled "400 151 (MBHB03-465-D)Sequence Listing" (COPY 1) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

**McDonnell Boehnen Hulbert & Berghoff LLP**

Dated: September 15, 2004

By:

  
Christopher P. Singer  
Reg. No. 48,701

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
32nd Floor  
Chicago, Illinois 60606  
Phone: 312-913-0001  
Fax: 312-913-0002



UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. MBHB03-465-D (400.151))

PATENT

IN THE APPLICATION OF:

McSwiggen et al.

Serial No. 10/826,966

Filed: April 16, 2004

Title RNA Interference Mediated Inhibition  
of Gene Expression Using Chemically  
Modified Short Interfering Nucleic  
Acid

Examiner: To Be Assigned

Group Art Unit: 1635

Confirmation No.: 2134

**TRANSMITTAL LETTER**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

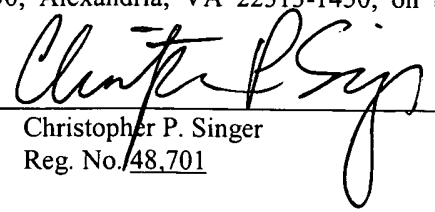
Dear Sir or Madam:

In regard to the above identified application:

1. We are transmitting herewith the attached:
  - a. Response and Amendment to Notice to File Missing Parts of Non Provisional Application;
  - b. Copy of Notice to File Missing Parts of Non Provisional Application;
  - c. Executed combined Declaration and Power of Attorney Document
  - d. Statement Under 37 C.F.R. § 1.821(f)
  - e. Transmittal letter for Copy 1 and Copy 2 pf Cd-Rom
  - f. 3 Cd-roms with Sequence Listing
  - g. Return Receipt Postcard.
2. With respect to additional fees,  
☒ Attached is a check in the amount of \$65.00 in pursuant to 37 CFR 1.16(e)
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on this September 15, 2004.

Date: September 15, 2004

By :

  
Christopher P. Singer  
Reg. No. 48,701

IFW



SEP 20 2004

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/826,966	04/16/2004	James McSwiggen	03-465-D (400.151)

CONFIRMATION NO. 2134

020306

MCDONNELL BOEHNEN HULBERT &amp; BERGHOFF LLP

300 S. WACKER DRIVE

32ND FLOOR

CHICAGO, IL 60606

## FORMALITIES LETTER



\*OC000000013253772\*

Date Mailed: 07/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

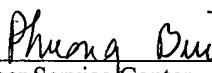
Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

  
\_\_\_\_\_  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE